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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,035	11/16/1999	JOSEPH B. PRULLAGE	18794-000400	3784

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EXAMINER

ROWAN, KURT C

ART UNIT PAPER NUMBER

3643

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

69/441,035

Applicant(s)

PruLLage

Examiner

Rowan

Group Art Unit

3643

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

- ☒ Claim(s) 1-4, 7-10, 12-35 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4, 7-10, 12-35 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## DETAILED ACTION

The Final Rejection paper numbered 32 is withdrawn and the following rejecting substituted.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 12, 20, 21, 22, 24, 26, 27, 28, 31, 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfeiffer.

The patent to Pfeiffer shows an insect bait station for attracting and killing an insect having a body with an external surface, the body (not labeled) having at least one external longitudinal groove 17 for supporting a self-adhering oral insecticide in Figs. 1-2 and 17a in Figs. 8-9. The groove can be considered as longitudinal since it extends along the longitudinal axis of the body. The groove has a vertical length. See page 1, lines 72-104. In reference to claim 12, Pfeiffer shows a hanger member 16', 24 in Fig. 9. In reference to claim 20, Pfeiffer shows a pest attractant reservoir 15 or 15a connected to the body. In reference to claim 21, Pfeiffer shows a body with a top portion and a bottom portion with the pest attractant reservoir 15 affixed to the bottom portion. In reference to claim 22, Pfeiffer shows the pest attractant reservoir affixed to

the hanger member. In reference to claim 24, Pfeiffer disclose any suitable insecticide may be used in lines 89-90 on page 1, which encompasses a feeding attractant. In reference to claims 26 and 34, Pfeiffer discloses flies or *Musca domestica*.

3. Claims 1, 15-19, 20-21, 24, 26, 31, 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al. '985.

The patent to Foster '985 shows a bait station having a body 12, 13 with an external surface and one external longitudinal groove for supporting a self-adhering oral insecticide TNMT. The water in fluid reservoir 19 acts as an attractant and feeding stimulant for the target species.

4. Claims 1-4, 7-8, 15-19, 25, 26, 27, 29, 31, 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster '977.

The patent to Foster '977 shows an insect bait station for attracting and killing insects having a cylindrical body 2, an external groove in grill 5 between vertical wires that make up the grill) for supporting a self-adhering oral insecticide TNMT. Foster shows a cylindrical sheath 1. Foster shows the body 2 having an external surface orientated generally vertical surface 3.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6.

7. Claims 1, 12, 26, 27, 31, 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeiffer in view of Foster et al ' 985 for substantially the same reasons stated in paper numbered 32.

8. Claims 2-4, 7-10, 13-25, 28-30, 32, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeifer in view of Foster '985 as applied to claim1 above, and further in view of Conlee for substantially the same reasons stated in paper numbered 32.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is 703 308-2321. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kurt Rowan  
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Art Unit 3643